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TO:

Name: Mail Stop AF
Group Art Unit 3733/Examiner James L. Swiger III

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/809,149

Gary K. Michelson

Filed: March 25, 2004

METHOD FOR USING ARCUATE DYNAMIC
LORDOTIC GUARD WITH MOVABLE
EXTENSIONS FOR CREATING AN
IMPLANTATION SPACE POSTERIORLY IN
THE LUMBAR SPINE

Attorney Docket No. 101.0093-02000

Customer No. 22882

Confirmation No.: 7390

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 8

Date: April 20, 2007

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate: \$500 Notice of Appeal fee), Notice of Appeal, and Pre-Appeal Brief Request for Review with Form PTO/SB/33 are being facsimile transmitted to the U.S. Patent and Trademark Office on April 20, 2007.



Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0093-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Gary K. Michelson

Serial No: 10/809,149

Filed: March 25, 2004

For: METHOD FOR USING ARCUATE
DYNAMIC LORDOTIC GUARD WITH
MOVEABLE EXTENSIONS FOR
CREATING AN IMPLANTATION
SPACE POSTERIORLY IN THE
LUMBAR SPINE

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APR 20 2007

Art Unit: 3733

Examiner: James L. Swiger III

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

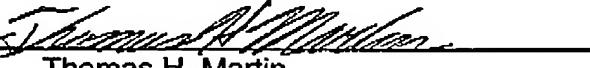
Dear Sir:

Further to the Reply to Final Office Action submitted March 14, 2007 and Advisory Action dated April 11, 2007, transmitted herewith is a Notice of Appeal in reply to the Final Office Action dated February 26, 2007 the above-identified application.

- No additional fee is required.
- Applicant hereby requests a ***-month extension of time to respond to the above office action.
- Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.
- The total amount of \$500.00 to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726.
- The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
 MARTIN & FERRARO, LLP

Date: April 20, 2007

By: 
 Thomas H. Martin
 Registration No. 34,383

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